

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

THOMAS ANDREW DEWALD,	:	Civil No. 1:21-CV-1579
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
FRANKLIN COUNTY JAIL, <i>et al.</i> ,	:	
	:	
Defendants.	:	Judge Jennifer P. Wilson

ORDER

AND NOW, on this 11th day of January, 2022, for the reasons set forth in the accompanying memorandum, **IT IS ORDERED THAT**:

1. Plaintiff's motion to proceed *in forma pauperis*, Doc. 2, is **granted**.
2. The complaint, Doc. 1, is **deemed filed**.
3. The Clerk of Court is **directed** to send a copy of this Order to the Superintendent/Warden of the institution wherein Plaintiff is presently confined, the Franklin County Correctional Facility, Chambersburg, Pennsylvania.
4. Pursuant to 28 U.S.C. § 1915(b)(1) and (2), the Superintendent/Warden, or other appropriate official at Plaintiff's place of confinement is **directed to deduct** an initial partial filing fee of 20% of the greater of:
 - (A) the average monthly deposits in the inmate's prison account for the past six months, or
 - (B) the average monthly balance in the inmate's prison account for the past six months.

5. The initial partial filing fee **shall be forwarded** to the Clerk of the United States District Court for the Middle District of Pennsylvania, P.O. Box 1148, Scranton, Pennsylvania, 18501-1148, to be credited to the above-captioned docket number. In each succeeding month, when the amount in the Plaintiff's inmate prison account exceeds \$10.00, the Superintendent/Warden, or other appropriate official, shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Plaintiff's prison account until the \$350.00 fee is paid. Each payment shall reference the above-captioned docket number.
6. Plaintiff's motion for appointment of counsel, Doc. 3, is **denied without prejudice**.
7. Plaintiff's letter request, Doc. 10, to file an amended complaint is **granted**.
8. Within **twenty-one (21) days** from the date of this Order, Plaintiff may file an amended complaint.
9. The amended complaint **shall bear the same case number** presently assigned to this action, shall be labelled as the "Amended Complaint," and shall be direct, concise, and shall stand alone without any reference to any document filed in this matter. *See* Fed. R. Civ. P. 8(d).
10. Should Plaintiff fail to file a timely amended complaint; this matter shall proceed on the original complaint.
11. The Clerk of Court **shall forward** to Plaintiff two (2) copies of this Court's prisoner civil-rights complaint form which Plaintiff shall use in preparing his amended complaint.

12. Plaintiff **shall maintain on file** with the Clerk of Court a current address. *See* M.D. Pa. LR 83.18. If the court is unable to communicate with the Plaintiff because the Plaintiff has failed to notify the court of his address, the Plaintiff will be deemed to have abandoned the lawsuit. *See* Doc. 5.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Court Judge
Middle District of Pennsylvania